

2 2 SEP 1977

MEMORANDUM FOR: Assistant for Information, DDA

FROM: James H. McDonald
Director of Logistics

SUBJECT: Draft Legislation for Intelligence Agencies
on Travel Allowances and Related Expenses

REFERENCE: Multiple Adse Routing Sheet dtd 9 Sep 77 fm
AI/DDA, Subj: Travel Allowances and Related
Expenses (DDA 77-5023) (OL 7 4109)

1. In response to your request that we review Section 308 of subject draft legislation, the following comments are offered:

a. Paragraph (a)(3) states, in part, ". . . completed within three months. . . ." [redacted], dated 16 March 1977, states that travel should be completed within twelve months with justifiable extensions. We feel that three months is unreasonably restrictive. Perhaps more appropriate verbiage could be acceptable such as leaving the period determination up to the discretion of the DCI. STATINTL

b. In paragraph (a)(4), next to the last line, the word "minimum" should be replaced with "maximum" or deleted altogether.

c. In paragraph (a)(6), the wording "trailer or mobile home" should be deleted.

d. In paragraph (a)(8), if the inference is "home leave" it should be so stated.

e. In paragraph (a)(9), in the ninth line, it states, ". . . four-year period, . . ." It should state, ". . . during any continuous four-year period of service abroad" " It would then track with [redacted] STATINTL

[redacted] The remaining paragraphs are acceptable without comment.

Signed: James H. McDonald

James H. McDonald

Att: Subj Draft

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TRAVEL ALLOWANCES AND RELATED EXPENSES

Sec. 308. (a) Under such regulations as the Director may prescribe, the Agency, with respect to its officers and employees assigned to duty stations outside the several States, excluding Alaska and Hawaii, but including the District of Columbia, or within other geographical locations when so indicated, shall --

(1) pay the travel expenses of officers and employees of the Agency, including expenses incurred while traveling pursuant to authorized home leave;

(2) pay the travel expenses of members of the family of an officer or employee of the Agency when proceeding to or returning from his post of duty; accompanying him on authorized home leave; or otherwise traveling in accordance with authority granted pursuant to the provisions of this title or any other Act;

(3) pay the cost of transporting the furniture and household and personal effects of an officer or employee of the Agency to his successive posts of duty and, on the termination of his services, to his residence at time of appointment or to a point not more distant, or, upon retirement, to the place where he will reside, but such transportation must be completed within three months from the date of retirement unless the Director determines that the officer or employee was unable, because of illness or other good cause, to make the necessary preparations for such transportation.

(4) pay the cost of packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects of an officer or employee of the Agency when he is absent from his post of assignment under orders, or when he is assigned to a post to which he cannot take or at which he is unable to use such furniture and household and personal effects, or when it is in the public

interest or more economical to authorize storage; but in no instance shall the weight or volume of the effects stored together with the weight or volume of the effects transported exceed the minimum limitations fixed by Agency regulations, when not otherwise fixed by law;

(5) pay the cost of packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects of an officer or employee of the Agency in connection with assignment or transfer to a new post, from the date of his departure from his last post or, in the case of a new officer or employee, from the date of his departure from his place of residence, and for not to exceed 90 days after arrival at the new post or until the establishment of residence quarters, whichever is shorter; and in connection with separation of an officer or employee of the Agency, the cost of packing and unpacking, transporting to and from a place of storage, and storing for a period not to exceed 90 days, his furniture and household and personal effects; but in no instance shall the weight or volume of the effects transported exceed the maximum limitations fixed by Agency regulations when such limitations are not otherwise fixed by law;

(6) pay the travel expenses and transportation costs (including costs for the necessary temporary storage of property) incident to the removal to any geographical location deemed a necessary safehaven by the Director, of any officer or employee of the Agency, his family, and his furniture and household and personal effects, including any automobile, trailer, or mobile home, from a post at which, because of the prevalence of disturbed conditions, there is imminent danger to life and property, and the return of such persons, furniture, and effects to such post upon cessation of such conditions; or to such other post as may in the meantime have become the post to which such officer or employee has been assigned;

(7) charge expenses in connection with travel of any officer or employee, members of his family, and transportation of their household goods and personal effects, involving a change of permanent station, to the appropriation for the fiscal year current when any part of either the travel or transportation pertaining to the transfer begins pursuant to previously issued travel and transfer orders, notwithstanding the fact that such travel or transportation may not all be effected during such fiscal year or that the travel and transfer orders may have been issued during the prior fiscal year;

HOME LEAVE? (8) order to any of the several States (including the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States) on leave of absence each officer or employee of the Agency who is a resident of the United States (as described above) at time of employment, upon completion of two years' continuous service abroad or as soon as possible thereafter;

(9) notwithstanding the provisions of any other law, transport for or on behalf of an officer or employee of the Agency, a privately owned motor vehicle in any case in which it shall be determined that water, rail, or air transportation of the motor vehicle is necessary or expedient for all or any part of the distance between points of origin and destination, and pay the costs of such transportation; but not more than one motor vehicle of any officer or employee of the Agency may be transported under authority of this clause during any four-year period, except that, as a replacement for such motor vehicle, one additional motor vehicle of any such officer or employee may be so transported during such period if the Director (a) determines in advance that such replacement is necessary for reasons beyond the control of the officer or employee and is in the interest of the Government, and (b) approves such transportation in advance;

(10) pay the cost of transporting a replacement vehicle for the motor vehicle of any officer or employee of the Agency who has remained on continuous service outside the several States, excluding Alaska and Hawaii, but including the District of Columbia, after the expiration of a four-year period following the date transportation was last provided under this section for a motor vehicle for such officer or employee;

(11) establish a medical facility and provide for the services of medical personnel at a post at which sufficient personnel are employed to warrant such a medical facility and medical personnel, but only if the Director determines that it is not feasible to use an existing medical facility;

(12) in the event of illness or injury requiring the hospitalization of a full-time officer or employee of the Agency or member of the family of such an officer or employee of the Agency, not the result of vicious habits, intemperance, or misconduct, incurred while on assignment abroad, in a locality where there does not exist a suitable hospital or clinic, pay the travel and transportation expenses of such officer, employee, or member of his family by whatever means the Director shall deem appropriate and without regard to the Standardized Government Travel Regulations and section 5731 (a) of title 5, United States Code, to the nearest locality where a suitable hospital or clinic exists, and on his recovery pay for the travel expenses of his return to his post of duty or to such other post as may in the meantime have become the post to which such officer or employee may be reassigned; and if the officer or employee or member of his family is too ill or unable to travel unattended, the Director may also pay the travel expenses of an attendant or attendants;

(13) in the event of illness or injury requiring hospitalization of an officer or employee of the Agency, not the

result of vicious habits, intemperance, or misconduct on his part, incurred in the line of duty while such person is assigned abroad, pay for the cost of the treatment of such illness or injury at a suitable hospital or clinic;

(14) in the event a member of the family of an officer or employee of the Agency who is assigned outside the continental United States or in Alaska incurs an illness or injury while such member of the family is located outside the continental United States or in Alaska, which requires hospitalization or similar treatment, and which is not the result of vicious habits, intemperance, or misconduct on his part, pay for that portion of the cost of treatment of each such illness or injury that exceeds \$50 up to a maximum limitation of 120 days of treatment for each such illness or injury, except that such maximum limitation shall not apply whenever the Director, on the basis of professional medical advice, determines that such illness or injury clearly is caused by the fact that such member of the family is or has been located outside the continental United States or in Alaska;

(15) make payments for the costs of medical or hospital care under this subsection only insofar as such costs would not otherwise be payable under the terms of a health benefits plan approved by the Director available to the officers and employees of the Agency and to which the Agency contributes under the provisions of chapter 89 of title 5, United States Code;

(16) provide the benefits under clauses (11) through (14) beyond the date of death or separation of an officer or employee of the Agency, so long as entitlement to such benefits initially occurred prior to the death of the officer or employee;

(17) pay the costs of physical examinations for applicants for employment and for officers and employees of the Agency who are citizens of the United States, including examinations

necessary to establish disability or incapacity, and for the costs of administering inoculations or vaccinations to such officers or employees; and pay the cost of providing the same services to the members of the family of such officers and employees when such members accompany such officers and employees to overseas areas where no other sufficient United States governmental medical facilities are available;

(18) pay the costs of preparing, transporting, and escorting the remains of an officer or employee of the Agency or a member of his family who may die while in travel status or at any duty station, to his home or official station or to such other place as the Director may determine;

(19) pay the costs of travel of new appointees to the Agency and members of their families, and the transportation of their household goods and personal effects, from places of actual residence at the time of appointment, regardless of location, to places of employment, regardless of location, and upon separation, return to their actual residences at the time of appointment or a point not more distant; but the costs of such travel and transportation shall be paid only if such appointees agree in writing to remain in the employ of the United States Government for a period of not less than twelve months from the time of appointment, unless separated from employment for reasons beyond the employee's control which are acceptable to the Agency, and any violation of such agreement by an appointee for personal convenience or because of separation for misconduct shall bar the return payment (the costs of travel and transportation to the place of employment are payable whether or not the individual selected has been appointed at the time of travel and transportation);

(20) pay the travel expenses of officers and employees of the Agency who are citizens, and members of their families, while serving at posts specifically designated by the Director

for purposes of this subparagraph, for rest and recuperation to other locations having different environmental conditions than those at the post at which such officers and employees are serving, but such travel expenses shall be limited to the cost for each officer or employee and members of his family of one round trip during any continuous two-year tour unbroken by home leave and two round trips during any continuous three-year tour unbroken by home leave;

(21) pay the travel expenses of officers and employees of the Agency for up to two round trips each year for purposes of family visitation in situations where the family of the officer or employee is officially precluded from accompanying such officer or employee to, or has been ordered evacuated from, his assigned post because of danger from hostile activity or other impersonal hardship conditions, except that, with respect to any such officer or employee whose family is located outside the continental United States or in Alaska, the Director may authorize such additional trips as he deems appropriate not to exceed the equivalent cost of two round trips of less than first class to the District of Columbia, and the travel expenses of officer or employees stationed or in an official travel status outside the continental United States or in Alaska (for members of the family who are located outside the continental United States or in Alaska), for purposes of family visitation in emergency situations involving personal hardship, but the facilities of the Military Airlift Command shall be utilized whenever possible for travel authorized under this clause; and

(22) pay the travel expenses of members of the family accompanying, preceding, or following an officer or employee if, while he is en route to his post of assignment, he is ordered temporarily for orientation and training or is given other temporary duty.

(b) (1) While any officer or employee of the Agency is on leave in the United States (as defined in clause (8) of subsection (a)), such officer or employee shall be available for such work or duty for the Agency as the Director may prescribe. The time devoted to such work or duty by such employee or officer shall not be counted as leave time.

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(2) Whenever an officer or an employee of the Agency returns to the United States (as defined in clause (8) of subsection (a)) on leave, the time actually and necessarily occupied in traveling to and from the United States (including any time actually and necessarily occupied in awaiting transportation) shall not be counted as leave time.

(c) Notwithstanding any other provision of law, the Director may grant, in addition to any other allowances authorized by law, a separate maintenance allowance to assist an officer or employee of the Agency who is compelled, because of dangerous, notably unhealthful, or excessively adverse living conditions at his post of assignment in any nonforeign area outside the continental United States, or in Alaska, or for the convenience of the Government, to meet the additional expense of maintaining, elsewhere than at the post, his spouse or other dependents, or both.

(d) The Agency may, without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529), make advance payments for any of the purposes in this section. Any sum advanced and not used for allowable expenses is recoverable from the person to whom the advance was made or his estate by --

(1) set-off against accrued pay, retirement credit, or other amount due such person or his estate,

(2) a deduction from any amount due such person from the United States, or

(3) such other method as is authorized by law, unless the Director or his designee determines that recovery of any such sum will not be in the best interests of the United States.

(e) The Agency may, when the Director shall find it to be in the best interests of the Government to do so as a means of eliminating transportation costs, provide assigned persons with basic household furnishings and equipment for use on a loan basis in personally owned or leased residences abroad or in Alaska.

(f) Under such regulations as the Director may prescribe, the Agency, with respect to its officers and employees assigned

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